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Crl.O.P.No.31010 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31010 of 2022

1. P.Prasana

2. S.Padmaraj

... Petitioners

Vs.

The Inspector of Police,
Central Crime Branch,
Salem Town,
Salem District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the respondent Police not to harass the petitioners.

For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the
respondent Police not to harass the petitioners.



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2. Learned counsel for the petitioners submitted that under the pretext of enquiry, the respondent Police is unnecessarily harassing the petitioners.

3. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that on receiving the complaint from one Ravi with regard to the money transaction, enquiry has been conducted in C.No.517/ACP/CCB/SCM(c)/2022 and the petition enquiry is pending on the file of the respondent.

4. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondents police.

5. It is the grievance of the petitioners that the respondents have been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.



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6. In the present case in hand, the petitioners have complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioners may not be the same to the police officer.

7. In order to circumvent such situations, the following guidelines are issued:

a) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation;

b) The respondents are directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant;

c) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station;

d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation;



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e) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** shall be strictly adhered to.

8. With the above observations and direction, the Criminal Original Petition stands disposed of.

15.12.2022

Internet : Yes / No

Index : Yes / No

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To

1. The Inspector of Police,
Central Crime Branch,
Salem Town,
Salem District.

2. The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN,J.

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